

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/19/20

United States of America,

-v-

20-cr-84 (AJN)

ORDER

Ralph Berry,

Defendant.

ALISON J. NATHAN, District Judge:

A status conference in this matter is scheduled for October 27, 2020 at 11:00 a.m.

By October 20, 2020, defense counsel should respond to the following two questions:

- 1) If both an in-court and teleconference proceeding are available, do Defendants prefer to proceed in-person in Courtroom 906 of the United States District Court for the Southern District of New York, Thurgood Marshall U.S. Courthouse at 40 Foley Square, New York, New York, or at a teleconference proceeding?
- 2) If an in-court proceeding is unavailable, do Defendants consent to proceed with a teleconference proceeding?

If Defendants consent to proceed by teleconference, either as a matter of preference or because an in-court proceeding is unavailable, please complete and submit the written consent form attached to this Order. Defense counsel may sign on Defendants' behalf if authorized by Defendant to do so. If the Court is unable to conduct an in-court proceeding at the scheduled time and Defendants do not consent to proceed by teleconference, the Court may adjourn the status conference to a later date.

SO ORDERED.

Dated: October 16, 2020
New York, New York



ALISON J. NATHAN
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA

-v-

Defendant.

**WAIVER OF RIGHT TO BE PRESENT AT
CRIMINAL PROCEEDING**

20-cr-84 (AJN)

Check Proceeding that Applies

____ Conference

I have been charged in an indictment with violations of federal law. I understand that I have a right to be present at all conferences concerning this indictment that are held by a judge in the Southern District of New York, unless the conference involves only a question of law. I understand that at these conferences the judge may, among other things, 1) set a schedule for the case including the date at which the trial will be held, and 2) determine whether, under the Speedy Trial Act, certain periods of time should be properly excluded in setting the time by which the trial must occur. I have discussed these issues with my attorney and wish to give up my right to be present at the conferences. By signing this document, I wish to advise the court that I willingly give up my right to be present at the conferences in my case for the period of time in which access to the courthouse has been restricted on account of the COVID-19 pandemic. I request that my attorney be permitted to represent my interests at the proceedings even though I will not be present.

Date:

Signature of Defendant

Print Name

I hereby affirm that I am aware of my obligation to discuss with my client the charges contained in the indictment, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver form. I affirm that my client knowingly and voluntarily consents to the proceedings being held in my client's absence. I will inform my client of what transpires at the proceedings and provide my client with a copy of the transcript of the proceedings, if requested.

Date:

Signature of Defense Counsel

Print Name

Addendum for a defendant who requires services of an interpreter:

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is:

_____.

Date:

Signature of Defense Counsel

Accepted:

Signature of Judge

Date: